

FORNEY TRIES TO EXPLAIN

The Special Prosecutor Returns to the Witness Stand

Coeur d'Alene Mining Troubles
Again Aired by the House Committee—Distinctions Between Military
and Civil Authority—Men Practically Deprived of Their Rights

When the Coeur d'Alene enquiry was resumed by the House Committee on Military Affairs at 10:30 this morning, Mr. Forney, special prosecutor for Shoshone county, Idaho, returned to the witness stand and his examination was continued by Mr. Hay of Virginia, neither Mr. Lentz nor Mr. Sulzer being present at the time the committee met.

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Mr. Ray read the statute of Idaho which provides that the Governor of the State might, in case of insurrection, call out the State troops. He wanted to know of the witness whether, when the Federal troops went into Idaho, the President of the United States was the commander of those troops or whether they were under

the command of the State authorities; that is, whether General Merriam or Bartlett Sinclair was responsible for the regulations enforced by the military in Idaho.

It was not easy to find the line dividing the authority between the State authorities and the officers of the Federal troops. Though the witness could not be compelled to admit it, yet it seemed to be clear at least to the spectators that the Federal troops acted mainly under the authority of the State authorities. It is, however, the State authorities, and not the General Merriam, who exercised the authority to the State authorities and allowed them to command the troops.

The witness could not find any warrant in law for this transfer of authority. Neither could he cite a precedent where

Mr. Hay continued to press the witness for the purpose of showing that the President of the United States could not delegate his authority as Commander-in-Chief of the troops to any State officers. He wanted to show that whatever was done by the Federal troops must have been done on their responsibility, and that they "shall not be allowed to cower behind the skirts of the State officers under the plea that they (the military) acted under their or-

When Mr. Lentz came in he forced the witness to admit that General Merriam obeyed orders issued by Bartlett Sinclair, the representative of the Governor. Mr. Forney said that Mr. Sinclair was both a military and civil officer.

"Can you point to any law in Idaho under which an officer can be both a civil and military authority?"

"Then," said Mr. Lentz, "when he exer-

Mr. Lenth sought to force the witness to admit that his interpretation of the words, "civil authority," was that they meant both civil and military authority, but Mr. Forney would not directly assert to this, and a great deal of verbal sparring took place. The witness said that the Government had delegated its military authority to Sinclair, but he was unable to point out any statute conferring upon the Governor the right to transfer such authority to anybody else.

Returning to the matter of the bull pen

The witness said in answer to questions by Mr. Lentz that a number of men in the pen were not indicted, while in the case of those who were indicted, these indictments were never published.

The witness was questioned about the removal from office of the three county commissioners of Shoshone county. He did not know whether they were in Ward

Forney said he did not refuse trial to the men in the bull pen. He had refused to make known the names of those against whom he had indictments.

"They were held by the State authorities and I was not ready for trial."

"But even though you were not ready to proceed to trial you not only refused to make known the names of those prisoners against whom indictments had been found, but would not accept bail for the appearance of the men as provided in the Constitution?"

The witness avoided a direct answer, but the fact stood out that anybody whom the

soldiers thought fit to arrest was thrown into the bull pen, and languished there for several months without the right of trial—without the right to furnish bail, and without being able to find out whether

he was even indicted. One of the leading reasons for this, which Forney gave, was "I was not prepared to try the cases." At noon the committee took a recess.

MORE DEAD FROM CUBA.

Soldiers Who Will Be Buried in Arlington Cemetery.

The transport Burnside arrived at New York today from Cuba with the remains

of a dozen soldiers who died on that island. The bodies of Private William H. Hargis and Perry Straghn, of the Tenth Cavalry, and of Private Frank Trott and John Hanson, of the Fifth Infantry, will

be taken to Arlington Cemetery for burial. The body of Lieut. Frank W. Dunn, of the Volunteer Signal Corps, will be

sent to his home, at Gordonsville, Va. He was accidentally killed by a tree falling on him, near Guantanamo.

Carrying Soldiers' Bodies.

The transport Duke of Life has arrived at San Francisco with the bodies of sixteen soldiers and six marines who died in the Philippines. Some of the bodies will be sent to friends and the others interred at Presidio, near San Francisco.

Movements of Naval Vessels.
The following movements of naval vessels were announced today: Essex, arrived at Havana, New York and Texas arrived at Colon, Panama.

at Galveston, Eagle arrived at Key West. Marblehead arrived at Marc Island, Vixen arrived at San Juan, Hartford sailed from Valparaiso for Montevideo, Chicago and Montgomery sailed from Montevideo for Bahia, Tecumseh sailed from Washington for Norfolk, Dolphin sailed from Key West for Havana. The Newark, stationed in

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